

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN O'NEIL,

Plaintiff,

-against-

ARGON MEDICAL DEVICES, INC. and REX
MEDICAL, L.P.,

Defendants.

Case No. 3:17-cv-00640-DNH-TWD

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE PURSUANT
TO F.R.C.P. 41(a)(1)(A)(ii)**

STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed without prejudice against Defendants ARGON MEDICAL DEVICES, INC. and REX MEDICAL L.P. ("Defendants") pursuant to the Federal Rules of Civil Procedure 41(a)(1)(A)(ii), with each party to bear their own costs and fees, including all attorney fees. In entering into this Stipulation, Defendants do not waive any affirmative defenses, including but not limited to statute of limitations and statute of repose.

Dated: April 12, 2021

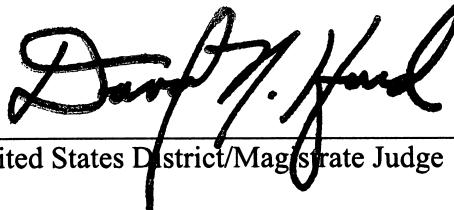
Respectfully submitted,

/s/ Debra J. Humphrey
By: /s/ Debra J. Humphrey
Debra J. Humphrey
Marc J. Bern & Partners, LLP
60 East 42nd Street, Suite 950
New York, NY 10165
Tel: (212) 702-5000
Email: dhumphrey@bernlpp.com
Attorneys for Plaintiff(s)

/s/ Megan Grossman
Megan Grossman Esq.
Lewis Brisbois Bisgaard & Smith, LLP
550 E. Swedesford Road, Suite 270
Wayne, PA 19087
Tel: (215) 977-4066
Email: megan.grossman@lewisbrisbois.com
Attorneys for Defendant Rex Medical, L.P.

/s/ Ernest F. Koschineg, III
Ernest F. Koschineg, III
CIPRIANI & WERNER, P.C.
Cipriani Werner Law Firm – Blue Bell Office
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
Tel: 610-567-0700
Email: ekoschineg@c-wlaw.com
Attorneys for Argon Medical Devices, Inc.

SO ORDERED:


United States District/Magistrate Judge